

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:10-cv-432-RJC-DSC**

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	
)	JUDGMENT OF FORFEITURE
)	(CONSENT JUDGMENT)
APPROXIMATELY \$101,990.58 IN)	
UNITED STATES FUNDS,)	
)	
Defendant.)	

THIS MATTER is before the Court on the government's motion, by consent of Arthur J. Babinski and AJB Properties, LLC, dba East Coast Imports, ("Claimants"), for a judgment forfeiting \$40,000.00 of the defendant property and releasing the remainder, subject to certain conditions. The case has been stayed since October 21, 2010, pending resolution of a related criminal case.

Based on the record, including the verified complaint and supporting affidavit and the affidavit and consent to forfeiture submitted with the government's motion, the Court makes the following findings:

1. The government filed the complaint herein on September 3, 2010, together with a supporting affidavit, alleging that the defendant property was involved in structuring transactions in violation of 31 U.S.C. § 5324 and therefore subject to forfeiture under 31 U.S.C. § 5317(c)(2).
2. Also on September 3, 2010, the Clerk issued a warrant of arrest in rem.
3. Pursuant to Rule G(4)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the government posted notice on an official internet government forfeiture site, thereby giving constructive notice to all persons in the world. *See* Submission of Declaration of Publication filed herein on October 14, 2010 (Doc. 4).
4. On October 21, 2010, counsel for Arthur J. Babinski and AJB Properties, LLC, dba East Coast Imports, as potential claimants herein ("Claimants") filed a notice of appearance.

5. The government and Claimants agreed to a stay of this case, and on October 21, 2010, the Court issued the stay, in light of a related criminal investigation, which has now been resolved through a plea agreement in No. 3:12CR125-MOC.

6. As shown by the Affidavit, Waiver and Consent submitted with the Government's motion, Claimants have agreed to forfeiture of \$40,000 of the defendant property and to the return of the remaining \$61,990.58 to be applied, to the extent necessary, toward payment of taxes, interest and penalties due following the plea agreement in the criminal case.

7. As shown by the record, no other claims have been filed herein by any person.

Based on the foregoing findings, the Court concludes that the Court has *in rem* jurisdiction; that Claimants are deemed to have filed a timely claim and to have standing herein; that the parties have resolved all matters by consent; and that the settlement of the parties should be approved.

By and with the consent of the parties, it is therefore ORDERED that:

1. The stay of this case is lifted.
2. The sum of \$40,000 is forfeited to the United States.
3. The government shall return the remaining \$61,990.58 to Claimants, through counsel.
4. All parties shall bear their own costs, including attorney fees.

Signed: August 6, 2012



Robert J. Conrad, Jr.
Chief United States District Judge
